UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 1: 17-CV-24561-RNS

TAPESTRY, INC., COACH IP HOLDINGS LLC, STUART WEITZMAN IP, LLC, and KATE SPADE LLC

Plaintiffs,

v.

THE PARTNERSHIPS and UNINCORPORATED ASSOCIATIONS IDENTIFIED ON SCHEDULE "A,"

Defendants.

ORDER GRANTING PLAINTIFFS' EX PARTE APPLICATION FOR ENTRY OF TEMPORARY RESTRAINING ORDER AND SETTING HEARING ON MOTION FOR PRELIMINARY INJUNCTION

THIS CAUSE is before the Court upon Plaintiffs' *Ex Parte* Application for Entry of Temporary Restraining Order and Preliminary Injunction (the "Application for Temporary Restraining Order") [DE 5], dated January 10, 2018. The Court has carefully considered the Application for Temporary Restraining Order, the record in this case, and the applicable law, and is otherwise fully advised.

By the instant Application, Plaintiffs Tapestry, Inc., Coach IP Holdings LLC, Stuart Weitzman IP, LLC and Kate Spade LLC (collectively, "Tapestry"), move, *ex parte*, pursuant to 15 U.S.C. § 1116 and Federal Rule of Civil Procedure 65 and The All Writs Act, 28 U.S.C. § 1651(a), for entry of a temporary restraining order against Defendants, and upon expiration of the temporary restraining order, a preliminary injunction against Defendants, for alleged

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¹ Defendants are the Individuals, Partnerships, and Unincorporated Associations identified on Schedule "A" attached hereto (collectively "Defendants").

violations of the Lanham Act, 15 U.S.C. §§ 1114, and 1125(a) and (d). Because Tapestry has satisfied the requirements for the issuance of a temporary restraining order, the Court grants Tapestry's Application for Temporary Restraining Order.

I. <u>FACTUAL BACKGROUND</u>²

Coach IP Holdings LLC is the registered owner of the following trademarks which are valid and registered on the Principal Register of the United States Patent and Trademark Office (the "Coach Marks):

Registration No.	<u>Trademark</u>	Class(es) / Relevant Goods	Registration Date	<u>Image</u>
2,088,706	СОАСН	6, 9, 16, 18, 20 and 25 for <i>inter alia</i> key fobs, eyeglass cases, cellular phone cases satchels, tags for luggage, luggage, backpacks, picture frames, hats, gloves and caps.	August 19, 1997	СОАСН
0,751,493	СОАСН	14 for leather goods, namely, utility kits, portfolios, key cases, pass cases, billfolds, Wallets, pocket secretaries.	June 23, 1963	СОАСН
2,231,001	СОАСН	25 for clothing for men and women namely, coats, jackets, overcoats, raincoats, shirts, vest, scarves, shoes and belts.	March 9, 1999	СОАСН
3,354,448	СОАСН	14 for inter alia jewelry.	December 11, 2007	СОАСН
1,071,000	СОАСН	18, 25 for women's handbags and carryon luggage.	August 9, 1977	СОАСН

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² The factual background is taken from Tapestry's Complaint, [DE 1], Tapestry's Application for Temporary Restraining Order, [DE 5], and supporting evidentiary submissions. Tapestry filed declarations and exhibits annexed thereto in support of its Application for Temporary Restraining Order. The declarations are available in the docket at the following entries: Declaration of Karla Aspiras, [DE 5], and Declaration of David Rosemberg, [DE 5].

Registration No.	<u>Trademark</u>	Class(es) / Relevant Goods	Registration Date	<u>Image</u>
3,413,536	COACH EST. 1941 STYLIZED	14 for jewelry	April 15, 2008	Coach est. 1941
1,309,779	COACH & LOZENGE DESIGN	9, 16, 18 for inter alia eyeglass cases, checkbook cases, pocket secretaries and leather goods, namely, wallets, handbags and shoulder bags.	December 19, 1984	COACH
2,626,565	CC & DESIGN (Signature C)	18 for inter alia handbags, purses, clutches, shoulder bags, tote bags, and wallets.	September 24, 2002	30CC CC CC CC
2,592,963	CC & DESIGN (Signature C)	25 for inter alia clothing namely, scarves, belts, gloves, hats, shoes, coats, jackets.	July 9, 2002	
4,365,898	COACH Signature C Design	9 for protective covers and cases for cell phones, laptops and portable media players.	July 9, 2013	
4,365,899	COACH OP ART	9 for protective covers and cases for cell phones, laptops and portable media players.	July 9, 2013	30
4,105,636	COACH OP ART	14, 18, 25 for inter alia jewelry, watches, wallets, handbags, belts, hats, scarves, shoes, coats, gloves and t-shirts.	February 28, 2012	8
4,296,582	COACH EST. 1941 NEW YORK	14, 16, 18 and 25 for jewelry and watches, handbags, leather credit card cases, purses, shoulder bags, wallets, belts, coats, t-shirts, hats, gloves, shoes, day planners.	February 26, 2013	COACIHI EST. 1941 NEW YORK
4,359,191	COACH EST. 1941 NEW YORK	9 for protective covers and cases for cell phones, laptops and portable media players.	June 25, 2013	COACIHI EST. 1941 NEW YORK

Registration No.	<u>Trademark</u>	Class(es) / Relevant Goods	Registration Date	<u>Image</u>
4,744,715	COACH NEW YORK & DESIGN	18 for inter alia handbags, small leather goods, luggage, umbrellas	May 26, 2015	COACH
4,744,718	COACH NEW YORK & DESIGN	25 for inter alia clothing, coats, belts, gloves, shoes	May 26, 2015	COACH
4,744,720	COACH NEW YORK & DESIGN	9 for sunglasses, eyewear, cell phone cases, tablet covers and cases	May 26, 2015	COACH
4,744,721	COACH NEW YORK & DESIGN	14 for jewelry, ornamental pinsand watches	May 26, 2015	COACH

See Declaration of Karla Aspiras, DE 5 at ¶ 6 (containing Certificates of Registrations for the Coach Marks at issue). Stuart Weitzman IP, LLC is the registered owner of the following trademarks which are valid and registered on the Principal Register of the United States Patent and Trademark Office (the "Stuart Weitzman Marks):

Registration No.	<u>Trademark</u>	Class(es) / Relevant Goods	Registration Date	<u>IMAGE</u>
1386002	STUART WEITZMAN	25 shoes	March 11, 1986	STUART WEITZMAN
5100091	STUART WEITZMAN	25 footwear	December 13, 2016	
3474821	STUART WEITZMAN (Stylized)	25 shoes	July 29, 2008	S T U A R T WEITZMAN
5100083	STUART WEITZMAN non-stacked logo	25 footwear	December 13, 2016	STUART WEITZMAN

See Declaration of Karla Aspiras, DE 5 at ¶ 7 (containing Certificates of Registrations for the Stuart Weitzman Marks at issue). Kate Spade LLC is the registered owner of the following

trademarks which are valid and registered on the Principal Register of the United States Patent and Trademark Office (the "Kate Spade Marks):

Registration No.	<u>Trademark</u>	Class(es) / Relevant Goods	Registration Date	<u>Image</u>
4138884	KATE SPADE NEW YORK	9: Carrying cases for electronic equipment, namely, cell phones and laptops; Cell phone covers; Protective sleeves for laptop computers.	May 8, 2012	
2537318	KATE SPADE NEW YORK	18: Handbags, all purpose carrying bags, tote bags, travelling bags, shoulder bags, clutch purses, all-purpose athletic bags, backpacks, wallets, coin purses and cosmetic bags (sold empty).	February 5, 2002	
2613247	KATE SPADE NEW YORK	25: Dresses, skirts, tops, shirts, sweaters, sleepwear, pajamas, bathrobes, footwear, shoes, hats, bandannas, scarves, coats, and gloves.	August 27, 2002	
4158419	KATE SPADE NEW YORK and Spade Design	9:Eyeglass chains and cords; eyeglass frames; eyeglasses; eyewear; eyewear cases; sunglasses.	June 12, 2012	kate spade
4158410	KATE SPADE NEW YORK and Spade Design	14Ankle bracelets; bracelets; charms; earrings; jewelry; jewelry boxes; jewelry cases; necklaces; pendants; pins being jewelry; rings; watches.	June 12, 2012	kate spade
4155450	KATE SPADE NEW YORK and Spade Design	18Backpacks; Beach bags; Card wallets; Clutch bags; Clutch purses; Cosmetic bags sold empty; Cosmetic cases sold empty; Credit card cases; Handbags; Key bags; Key cases; Key wallets; Luggage; Purses; Sport bags; Tote bags; Travel bags; Travel cases; Umbrellas; Wallets	June 5, 2012	kate spade

4155451	KATE SPADE NEW YORK and Spade Design	25:Belts; Blazers; Blouses; Bottoms; Bras; Coats; Dresses; Footwear; Gloves; Headwear; Hosiery; Jackets; Jeans; Knit tops; Lingerie; Loungewear; Neckwear; Pants; Scarves; Shirts; Shorts; Skirts; Sleepwear; Socks; Suits; Sweaters; Swimwear; T-shirts; Tank tops; Tops; Underwear	June 5, 2012	kate spade
5205421	Spade Design	9:Carrying cases specially adapted for electronic equipment, namely, cell phones, laptops, portable readers, portable tablets, ear buds and portable media players; Computer mouse; Ear buds; Eyeglass chains and cords; Eyewear cases; Protective covers and cases for cell phones, laptops and portable media players; Protective covers and cases for tablet computers; USB (universal serial bus) hardware.	May 16, 2017	•
5028262	Spade Design	14:Jewelry; Jewelry boxes; Jewelry cases; Pins being jewelry; Watches.	August 23, 2016	*
5032905	Spade Design	25: Backpacks; Beachbags; Clutch bags; Clutches; Cosmetic bags sold empty; Credit card cases and holders; Handbags, purses and wallets; Key bags; Keycases; Luggage; Sports bags; Tote bags; Travel bags; Umbrellas.	August 30, 2016	*
4889147	Spade Design	25:A full line of women's clothing, footwear, and headwear.	January 19, 2016	*

See Declaration of Karla Aspiras, DE 5 at ¶ 8 (containing Certificates of Registrations for the Kate Spade Marks at issue). Tapestry is the exclusive licensee for the Coach Marks, Stuart

Weitzman Marks and Kate Spade Marks (collectively, the "Tapestry Marks"), and is authorized to enforce all rights in those trademarks. Id., at ¶¶ 6, 7, 8. The Tapestry Marks are used in connection with the manufacture and distribution of high quality goods in the categories identified above. Id.

Defendants, through the various fully interactive, commercial Internet websites and supporting domains operating under the domain names identified on Schedule "A" (the "Subject Domain Names"), including the URLs identified on Schedule "B", have advertised, advertised, promoted, offered for sale, or sold goods bearing what Tapestry has determined to be counterfeits, infringements, reproductions, or colorable imitations of the Tapestry Marks. *Id.* at ¶¶ 16, 17 and 19.

Although each Defendant may not copy and infringe each Tapestry Mark for each category of goods protected, Tapestry has submitted sufficient evidence showing each Defendant has infringed, at least, one or more of the Tapestry Marks. *Id.* Defendants are not now, nor have they ever been, authorized or licensed to use, reproduce, or make counterfeits, reproductions, or colorable imitations of the Tapestry Marks. *Id.* at ¶¶ 11, 19.

Tapestry's representative reviewed and visually inspected each Defendants' websites, as well as the images of various items bearing the Tapestry Marks offered for sale by Defendants through the Internet websites operating under the Subject Domain Names, and determined the products offered for sale were non-authentic, unauthorized versions of Tapestry products. *Id.* at ¶¶ 16, 17, 19.

II. <u>LEGAL STANDARD</u>

To obtain a temporary restraining order, a party must demonstrate "(1) a substantial likelihood of success on the merits; (2) that irreparable injury will be suffered if the relief is not granted; (3) that the threatened injury outweighs the harm the relief would inflict on the non-movant; and (4) that the entry of the relief would serve the public interest." *Schiavo ex. rel Schiadler v. Schiavo*, 403 F.3d 1223, 1225-26 (11th Cir. 2005); *see also Levi Strauss & Co. v. Sunrise Int'l. Trading Inc.*, 51 F.3d 982, 985 (11th Cir. 1995) (applying the test to a preliminary injunction in a Lanham Act case). Additionally, a court may only issue a temporary restraining order without notice to the adverse party or its attorney if:

(A) specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition [and] (B) the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.

Federal Rule of Civil Procedure 65(b). *Ex parte* temporary restraining orders "should be restricted to serving their underlying purpose of preserving the status quo and preventing irreparable harm just so long as is necessary to hold a hearing and no longer." *Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Local No. 70 of Alameda Cty., etc.*, 415 U.S. 423, 439 (1974).

III. ANALYSIS

The Declarations Tapestry submitted in support of its Application for Temporary Restraining Order support the following conclusions of law:

A. Tapestry has a strong probability of proving at trial that consumers are likely to be confused by Defendants' advertisement, promotion, sale, offer for sale, or distribution of goods bearing counterfeits, reproductions, or colorable imitations of the

Tapestry Marks, and that the products Defendants are selling and promoting for sale are copies of Tapestry's products that bear copies of the Tapestry Marks;

- B. Because of the infringement of the Tapestry Marks, Tapestry is likely to suffer immediate and irreparable injury if a temporary restraining order is not granted. It clearly appears from the following specific facts, as set forth in Tapestry's Complaint, Application for Temporary Restraining Order, and accompanying Declarations on file, that immediate and irreparable loss, damage, and injury will result to Tapestry and to consumers before Defendants can be heard in opposition unless Tapestry's request for *ex parte* relief is granted:
- 1. Defendants own or control Internet websites, domain names, corresponding website URLs, or businesses which advertise, promote, offer for sale, and sell products bearing counterfeit and infringing trademarks in violation of Tapestry's rights;
- 2. There is good cause to believe that more counterfeit and infringing products bearing Tapestry's trademarks will appear in the marketplace; that consumers are likely to be misled, confused, and disappointed by the quality of these products; and that Tapestry may suffer loss of sales for its authentic products and an unnatural erosion of the legitimate marketplace in which it operates; and
- 3. There is good cause to believe that if Tapestry proceeds on notice to Defendants of this Application for Temporary Restraining Order, Defendants can easily and quickly transfer the registrations for many of the Subject Domain Names, or modify registration data and content, change hosts, and redirect consumer traffic to other websites, corresponding website URLs, thereby thwarting Tapestry's ability to obtain meaningful relief.

- C. The balance of potential harm to Defendants in restraining their trade in counterfeit and infringing branded goods if a temporary restraining order is issued is far outweighed by the potential harm to Tapestry, its reputation, and its goodwill as a manufacturer and distributor of quality products, if such relief is not issued; and
- D. The public interest favors issuance of the temporary restraining order to protect Tapestry's trademark interests and protect the public from being defrauded by the palming off of counterfeit goods as Tapestry's authentic goods.

IV. <u>CONCLUSION</u>

Accordingly, after due consideration, it is

ORDERED AND ADJUDGED that Tapestry's Application for Temporary Restraining Order [DE 5], is **GRANTED** as follows:

- (1) Each Defendant, its officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with any Defendant having notice of this Order are temporarily restrained:
 - a. From manufacturing, importing, advertising, promoting, offering to sell, selling, distributing, or transferring any products bearing the Tapestry Marks, or any confusingly similar trademarks, other than those actually manufactured or distributed by Tapestry; and
 - b. From secreting, concealing, destroying, selling off, transferring, or otherwise disposing of: (i) any products, not manufactured or distributed by Tapestry, bearing the Tapestry Marks, or any confusingly similar trademarks; or (ii) any evidence relating to the manufacture, importation, sale, offer for sale, distribution, or transfer of any products bearing the Tapestry Marks, or any confusingly similar trademarks.

- (2) Each Defendant, its officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with any Defendant having notice of this Order shall immediately discontinue the use of the Tapestry Marks or any confusingly similar trademarks, on or in connection with all Internet websites, domain names, corresponding website URLs, aliases, or businesses owned and operated, or controlled by them, including the Internet websites operating under the Subject Domain Names;
- (3) Each Defendant, its officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with any Defendant having notice of this Order shall immediately discontinue the use of the Tapestry Marks, or any confusingly similar trademarks within domain name extensions, metatags or other markers within website source code, from use on any webpage (including as the title of any web page), from any advertising links to other websites, from search engines' databases or cache memory, and any other form of use of such terms which is visible to a computer user or serves to direct computer searches to websites registered, owned, or operated by each Defendant, including the Internet websites operating under the Subject Domain Names;
- (4) Each Defendant shall not transfer ownership of the Subject Domain Names during the pendency of this Action, or until further Order of the Court;
- (5) The domain name Registrars for the Subject Domain Names are directed to transfer to Tapestry's counsel, for deposit with this Court, domain name certificates for the Subject Domain Names;

- (6) Upon Tapestry's request, the privacy protection service for any of the Subject Domain Names for which the registrant uses such privacy protection service to conceal the registrant's identity and contact information are ordered to disclose to Tapestry the true identities and contact information of those registrants;
- Upon entry of this Order, Tapestry shall provide a copy of the Order by e-(7) mail to the registrar of record for each of the Subject Domain Names. Upon receipt of the Order, the registrar of record of each for the Subject Domain Names shall immediately lock each of the Subject Domain Names; shall notify each registrant of record of the Order; and shall provide notice of the locking of the domain name to the registrant of record. After providing such notice to the registrars so the domain names may be locked, Tapestry shall also provide notice and a copy of this Order to the registrant for each Subject Domain Name via e-mail to the e-mail address provided as part of the domain registration data for each of the Subject Domain Names identified in the Application for Temporary Restraining Order. If an e-mail address was not provided as part of the domain registration data for a Subject Domain Name, Tapestry shall provide notice and a copy of this Order to the operators of the Internet websites via an onsite e-mail address and/or online contact form provided on the Internet websites operating under such Subject Domain Names. Forty-eight (48) hours after e-mailing this Order to the registrars of record and the registrants, Tapestry shall provide a copy of this Order to the registrars and the registries for the Subject Domain Names for the purposes described in Paragraph 8, below;

(8) The domain name registrars for the Subject Domain Names shall immediately assist in changing the registrar of record for the Subject Domain Names, to a holding account with a registrar of Tapestry's choosing (the "New Registrar"), excepting any such domain names which such registrars have been notified in writing by Tapestry have been or will be dismissed from this action, or as to which Tapestry has withdrawn its request to immediately transfer such domain names. To the extent the registrars do not assist in changing the registrars of record for the domains under their respective control within one (1) business day of receipt of this Order, the top-level domain (TLD) registries for the Subject Domain Names, or their administrators, including backend registry operators or administrators, within five (5) business days of receipt of this Order, shall change, or assist in changing, the registrar of record for the Subject Domain Names to a holding account with the New Registrar, excepting any such domain names which such registries have been notified in writing by Tapestry have been or will be dismissed from this action, or as to which Tapestry has withdrawn its request to immediately transfer such domain names. Upon the change of the registrar of record for the Subject Domain Names, the New Registrar will maintain access to the Subject Domain Names in trust for the Court during the pendency of this action. Additionally, the New Registrar shall immediately institute a temporary 302 domain name redirection which will automatically redirect any visitor to the Subject Domain Names to the Uniform Resource Locator ("URL") to be provided by Tapestry whereon of the Complaint, this Order, and all other documents on file in this action are displayed. After the New Registrar has effected this change, the Subject Domain Names shall be placed on lock status, preventing the modification or deletion of the domains by the New Registrar or Defendants;

- (9) Upon Tapestry's request, Microsoft Corporation shall temporarily disable, de-index or delist from the Bing search engine the specific URLs identified on Schedules "B" hereto used by Defendants to promote, offer for sale, and/or sell goods bearing counterfeits and/or infringements of the Tapestry Marks;
- (10) Tapestry may, serve this injunction on any service provider referring or linking users to the specific URLs identified on Schedule "B" hereto with a request that the service provider temporarily disable the references or links to, and/or the temporarily de-index or delist the specific URLs identified on Schedule "B" that are used by Defendants to promote, offer for
- sale, and/or sell goods bearing counterfeits and/or infringements of the Tapestry Marks.
- (11) Each Defendant shall preserve copies of all computer files relating to the use of any of the Subject Domain Names and shall take all steps necessary to retrieve computer files relating to the use of the Subject Domain Names that may have been deleted before the entry of this Order;
- (12) Defendants and any third party with actual notice of this Order who is providing services for any of the Defendants, or in connection with any of Defendants' websites at the Defendant Domain Names or other websites operated by Defendants, including, without limitation, any online marketplace platforms such as iOffer, credit cards, banks, merchant account providers, third party processors and other payment processing service providers, and domain name registrars, including, but not limited to, GoDaddy, Name.com, PDR, 1api, HEXONET, and Namecheap, (collectively, the "Third Party Providers") shall, within five (5) business days after receipt of such notice, provide to Plaintiffs expedited discovery, including copies of all documents and records in such person's or entity's possession or control relating to:

- a. the identities and locations of Defendants, their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including all known contact information, including any and all associated e-mail addresses;
- b. the nature of Defendants' operations and all associated sales, methods of payment for services and financial information, including, without limitation, identifying information associated with the Online Marketplace Accounts, the Defendant Domain Names, and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history related to their respective Online Marketplace Accounts and Defendant Domain Names;
- c. Defendants' websites and/or any Online Marketplace Accounts;
- d. the Defendant Domain Names or any domain name registered by Defendants; and
- e. any financial accounts owned or controlled by Defendants, including their agents, servants, employees, confederates, attorneys, and any persons acting in concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions, including, without limitation, PayPal®, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard® and Visa®).
- (13) Defendants and any persons in active concert or participation with them who have actual notice of this Order shall be temporarily restrained and enjoined from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.

- (14) PayPal, Inc. ("PayPal") shall, within two (2) business days of receipt of this Order, for any Defendant or any of Defendants' Online Marketplace Accounts or websites:
- a. locate all accounts and funds connected to Defendants, Defendants' Online Marketplace Accounts or Defendants' websites, including, but not limited to, any PayPal accounts connected to the information listed in Schedule A hereto, the e-mail addresses identified in Schedule A to the Complaint, and any e-mail addresses provided for Defendants by third parties; and;
- b. restrain and enjoin any such accounts or funds that are China or Hong Kong based from transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
- (15) Any banks, savings and loan associations, payment processors, or other financial institutions, for any Defendant or any of Defendants' Online Marketplace Accounts or websites, shall within two (2) business days of receipt of this Order:
- a. locate all accounts and funds connected to Defendants, Defendants'
 Online Marketplace Accounts or Defendants' websites, including, but not limited to, any
 accounts connected to the information listed in Schedule A hereto; and
- b. restrain and enjoin such accounts or funds from receiving, transferring or disposing of any money or other of Defendants' assets until further ordered by this Court.
- (16) This Order shall remain in effect until the ruling on Tapestry's Motion for Preliminary Injunction, or until such further dates as set by the Court or stipulated to by the Parties;
- (17) This Order shall apply to the Subject Domain Names, associated websites, corresponding websites' URLs, and any other domain names, websites, and corresponding websites' URLs properly brought to the Court's attention and verified by sworn affidavit that

such new domain names are being used by Defendants for the purpose of counterfeiting the Tapestry Marks at issue in this action and/or unfairly competing with Tapestry on the World Wide Web;

- (18) As a matter of law, this Order shall no longer apply to any Defendant or associated domain name dismissed from this action, or as to which Tapestry has withdrawn its request for a temporary restraining order;
- (19) Pursuant to 15 U.S.C. § 1116(d)(5)(D) and Federal Rule of Civil Procedure 65(c), Tapestry shall post a bond in the total amount of Ten Thousand Dollars and Zero Cents (\$10,000.00), as payment of damages to which Defendants may be entitled for a wrongful injunction or restraint, during the pendency of this action, or until further Order of the Court. In the Court's discretion, the bond may be subject to increase should an application be made in the interest of justice;
- (20) A court hearing is set before this Court in the United States Courthouse located at 400 North Miami Avenue, Miami, Florida 33128, Courtroom ____, on _____, 2018, at _.m., at which time Defendants or any other affected persons may challenge the appropriateness of this Order and move to dissolve the same and at which time the Court will hear argument on Tapestry's requested preliminary injunction;
- (21) Tapestry shall serve copies of the Complaint, the Application for Temporary Restraining Order, and this Order on each Defendant by e-mail as described above and by posting copies of the Complaint, Application for Temporary Restraining Order, and this Order, and all other pleadings and documents filed in this action on the website³ created by

³In this Circuit, Rule 65 has been interpreted to require that a party have notice of the motion and hearing; perfecting service on a defendant is not a prerequisite to the entry of a preliminary injunction order. *n Dispatch Co. v. Casa Guzman, S.A.*, 569 F.2d 300, 302 (5th Cir. 1978); *Diamond Crystal Brands, Inc. v. Wallace*, 531 F. Supp. 2d 1366, 1370-71 (N.D. Ga. 2008).

Tapestry within forty-eight (48) hours of control of the Subject Domain Names being changed to the Court via the New Registrar's holding account, and such notice so given shall be deemed good and sufficient service thereof. Tapestry shall continue to provide notice of these proceedings and copies of the documents on file in this matter to Defendants by regularly updating the website or by other means reasonably calculated to give notice which is permitted by the Court.

(22) Any response or opposition to Tapestry's Motion for Preliminary Injunction

must be filed and served on Tapestry's counsel forty-eight (48) hours prior to the hearing
set for, 2018, at, and filed with the Court, along with Proof of Service.
Tapestry shall file any Reply Memorandum twenty-four (24) hours prior to the hearing set
for, 2018, at The above dates may be revised upon stipulation by all parties
and approval of this Court. Defendants are hereby on notice that failure to appear at the
hearing may result in the imposition of a preliminary injunction against them pursuant to 15
U.S.C. § 1116(d), The All Writs Act, 28 U.S.C. § 1651(a), Federal Rule of Civil Procedure
65, and this Court's inherent authority.
(23) The Clerk is directed to Unseal all docket entries in this case.
DONE AND ORDERED in Miami, Florida, this day, of, 2018.
DODERT GGOLA
ROBERT SCOLA UNITED STATES DISTRICT JUDGE
Copies to:
David B. Rosemberg, Esq.
Counsel of Record

SCHEDULE "A" <u>DEFENDANTS BY NUMBER AND SUBJECT DOMAIN NAME</u>

Defendant Number	Defendant / Domain Name
1	2012coachoutlets.com
2	Cheapcoachoutlet.net
2	Cheapercoacchoutlet.net
3	Classicbagonline.com
4	Classicbagssell.com
5	Classicbagsonlinesale.com
6	Coachoutlet-online.org
7	Coach-factoryoutlet-online.us.com
8	Coach-outlet-online.com
9	Coach-outlet.net
10	Coachbags-outlet2017.org
11	Coachbags2017.com
12	Coachbagsforcheap.com
12	Coachoutletonline2017.com
13	Coachbagsell.com
14	Coachbagsofficialsite.net
15	Coachbagsonclearance.com
15	Coachoutletonline2017.com
16	Coachbagusoutlet.com/
17	Coachbagxen.com/
18	Coachblacksales.com
19	Coachcoachtaiwan.com
20	Coachhandbagsshop.us.com/
21	Coachoutlet-inc.net
22	Coachoutlet-site.com
23	Coachoutletofficial.us.com
24	Coachoutletonline-factory.us.com
25	Coachbagsonsaleoutlet.com
25	Coachoutletonline2017.com/
26	Coachoutletonlinecoachfactoryoutlet.com
26	Coach-factoryoutletclearance.us.com/
27	Coachoutletonlineestoresinc.com
28	Coachoutletonlineshop.com
29	Coachoutlets.us.org
30	Coachoutletsale.net
30	Cheapercoachoutlet.net
31	Coachoutletsstore.net
32	Coach events on com
33	Coachoverbags.com

34	Coachsaleus.com
35	Coachuscom.com
36	Craftsbagdiscounts.com
37	Craftsmanshipstore.com
38	Fashionbagsell.com
39	Hotbagsstore.com
40	Katespade-outlet.us.org
41	Katespadeous.com
42	Katespadeoutletstore.us.org
43	Katespadeoutletsus.com
44	Katespadeoutletuk.co.uk
45	Katespadesen.com
46	Katespadewen.com
47	Katespadexen.com
48	Katespadexus.com
49	Nystyleshop.com
50	Ofcoachoutlet.com
51	Online-coachbags.com
51	Cheapercoacchoutlet.net
52	Shangpin.com/women/brand/katespade
53	Shopcoach.us
54	Stuartweitzmanheels.com
55	Stuartweitzmanoutlet.store
56	Topclassicalshop.com
57	Topestcraft.com
58	Topsclassicalart.com
59	Vnhline.com
60	Zcoachoutlet.com

SCHEDULE "B"

C-1 Defendant Number 1 - 2012coachoutlets.com

http://www.2012coachoutlets.com/

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